

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

RALPHAEL OKORO,

Plaintiff,

-vs-

JEFF KRUEGER, et al.,

Defendants.

CASE NO. 05-CV-70269

PAUL D. BORMAN

UNITED STATES DISTRICT JUDGE

**ORDER DENYING AS FRIVOLOUS
PLAINTIFF'S MOTION TO RECUSE MAGISTRATE JUDGE VIRGINIA MORGAN**

Before the Court is Plaintiff's April 27, 2007 Motion to Recuse Magistrate Judge Virginia Morgan. (Doc. No. 68). This Court referred all pretrial matters to Magistrate Judge Morgan on April 19, 2007. (Doc. No. 63). In his motion, Plaintiff asserts that Magistrate Judge Morgan violated his constitutional rights by granting Defendants' April 19, 2007 Ex Parte Request to Re-set and Modify Briefing Schedule.

Pursuant to E.D. Mich. L. R. 7.1(f), a judge may enter an ex parte order allowing additional time for a party to file supporting documents and briefs:

When it is indicated in a motion, response or written request that the filing of additional affidavits or other documents in support or opposition is necessary, the judge to whom the case is assigned may enter an ex parte order (which must have been prepared by the party making the request) specifying the time within which such additional documents and brief must be filed, or approve any written stipulations in regard thereto. A copy of an ex parte order so entered must immediately be served upon opposing counsel or a party without counsel. Counsel or a party without counsel obtaining such order must also immediately notify opposing counsel or a party without counsel personally or by telephone of the signing of the order. A party against whom an ex parte enlargement of time has been granted may immediately move for a dissolution of the order granting enlargement.

The Court finds absolutely no basis for Plaintiff's allegations that Magistrate Judge Morgan violated his constitutional rights by modifying the scheduling order for the filing of dispositive motions in this case.

Accordingly, the Court **DISMISSES AS FRIVOLOUS** Plaintiff's Motion to Recuse Magistrate Judge Morgan.

SO ORDERED.

s/Paul D. Borman
PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: May 8, 2007

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on May 8, 2007.

s/Denise Goodine
Case Manager